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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KIMBERLEE WILLIAMS, ET AL.,

Plaintiffs,

V.

BASF CATALYSTS LLC, ET AL.,

Defendants.

• • • • •

No. 2:11-cv-01754 (JLL) (JAD)

CIVIL ACTION

DECLARATION OF EUGENE F. ASSAF

I, Eugene F. Assaf, declare that:

1. I am an attorney at law and a partner with the law firm of Kirkland & Ellis LLP in Washington, D.C.

2. I am one of the counsel of record for Defendant BASF Catalysts LLC (“BASF”) in this action.

3. I make this Declaration in support of BASF’s Letter-Motion to Compel Plaintiffs to Provide Further Responses to BASF’s Interrogatories.

4. I respectfully submit that I made good-faith efforts to confer with counsel representing the plaintiffs to resolve this discovery dispute in accordance with Local Rule 37.1. As set forth below, those efforts were unsuccessful, and the parties are at an impasse on the present dispute.

5. Shortly after receiving plaintiffs’ December 7, 2017 responses to BASF’s November 7, 2017 interrogatories, I reached out to plaintiffs’ counsel by e-mail to set up a telephonic meet-and-confer to discuss those responses. A true and correct copy of my December 7, 2017 e-mail to plaintiffs’ counsel is attached hereto as Exhibit A.

6. When I spoke with plaintiffs’ counsel Harry Roth by telephone on December 8, 2017, Mr. Roth indicated that plaintiffs intend to stand on their objections and not provide any facts or any further responses to BASF’s November

7, 2017 interrogatories. Mr. Roth confirmed that position during a subsequent telephone call on December 14, 2017.

7. With respect to plaintiffs' December 23, 2016 interrogatory responses, my firm sent via e-mail a letter to plaintiffs' counsel on December 7, 2017 asking plaintiffs to confirm by December 11, 2017 that they will update their prior interrogatory responses in light of Chief Judge Linares's August 3, 2017 opinion.

8. On December 14, 2017, I spoke by telephone with Mr. Roth and with Mr. Brendan Little, counsel for Bevan. Following that call, Mr. Roth indicated by e-mail that plaintiffs hoped to supplement their December 23, 2016 interrogatory responses by December 29, 2017 but could not commit to that date.

9. On December 15, 2017, Mr. Roth and I agreed to a proposed stipulated order memorializing the December 29, 2017 deadline.

Pursuant to 28 U.S.C. § 1746, I hereby declare that the foregoing is true and correct to the best of my knowledge and belief.

Date: December 15, 2017

/s/ Eugene F. Assaf
Eugene F. Assaf